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Date:

December 5, 2005

Pages:

7

Fax No.:

571-273-8300

From:

Lawrence E. Laubscher, Jr.

In re application of

D.C. John TA et al.

Group Art Unit 2666

Application No. 10/036,153

Examiner: Ronald B. Abelson

Filed: October 24, 2001

For:

METHODS OF PERFORMANCE ESTIMATION IN PROVISIONING DELAY

INTOLERANT DATA SERVICES

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First Named Inventor Art Unit 2666  Examiner Name Ronald B. Abelson Total Number of Pegos In This Submission    Attorney Docket Number   21227									
At Unit 266  Examiner Name Ronald B. Abelson  Total Number of Pages In This Submission   8  ENCLOSURES (Check all that apply)  ENCLOSURES (Check all that apply)  ENCLOSURES (Check all that apply)  Fee Attached   Drawing(e)   Atterney Docket Number   21927  ENCLOSURES (Check all that apply)  Fee Attached   Drawing(e)   Atterney Docket Number   21927  ENCLOSURES (Check all that apply)  Fee Attached   Drawing(e)   Appeal Communication to Board of Appeals and Interferences of Appeal Communication to TC (Appeal More of Appeals and Interferences of Appeal Communication to TC (Appeal Note of Repression   Proprietary Information   Proprietary Information   Proprietary Information   Chapped Correspondence Address   Terminal Discisioner   Status Letter   Discisioner Status Letter   Dis	TRANSMITTAL			Filing Date	Octob	October 24, 2001			
Examiner Name   Ronald B. Abstaco				First Named Inventor	D.C. J	D.C. John TA			
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Amendment/Reply   Petition to Convert to a   Proprietary Information	Fee Attached		Li.	icensing-related Papers					
Affidavits/dectaration(s)  Affidavits/dectaration(s)  Extension of Time Request Express Abandonment Request Information Disciosure Statement CD, Number of CD(s)  Landscape Table on CD  Remarks  Signature  Printed name Lawrence E. Laubscher, Jr.  Date  December's 2005  CERTIFICATE OF TRANSMISSION/MAILING  I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:  Signature  Power of Attorney, Revocation Change of Correspondence Address Terminal Disclaime Terminal Disclaimer Request for Reconsideration Request for Reconsideration  Request for Reconsideration  Status Letter Other Enclosure(s) (please Identify below): Request for Reconsideration  Status Letter Other Enclosure(s) (please Identify below): Request for Reconsideration  Status Letter Other Enclosure(s) (please Identify below): Request for Reconsideration  Request for Reconsideration  Status Letter Other Enclosure(s) (please Identify below): Request for Reconsideration  Request for Request for Request for Request for Reconsideration  Request for Request for Request for Request for Request for Request for			Pe	Petition to Convert to a			(Appe	al Notice, Brief, Reply Brief)	
Extension of Time Request Express Abandonment Request Information Disclosure Statement CD, Number of CD(s) Landscape Table on CD  Certified Copy of Priority Document(s) Reply to Missing Parts Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT  Firm Name Laubscher Severson  Signature Printed name Lawritice E. Laubscher, Jr.  Date December's 2005  CERTIFICATE OF TRANSMISSION/MAILING  I heraby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:  Signature	Affidavits/dectaration(s)		Po	Power of Attorney, Revocation					
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Certified Copy of Priority Document(s)  Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT  Firm Name Laubscher Severson  Signature  Printed name Lawringe E. aubscher, Jr.  Date  Date  CERTIFICATE OF TRANSMISSION/MAILING  I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:  Signature  Additional Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:  Signature									
Reply to Missing Parts/ Incomplete Application Reply to Missing Parts Under 37 CFR 1.52 or 1.53  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT  Firm Name Laubscher Severson  Signature  Printed name Lawrence E. Laubscher, Jr.  Date December Signature  CERTIFICATE OF TRANSMISSION/MAILING  I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:  Signature									
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Firm Name  Laubscher Severson  Signature  Printed name  Lawrence E. Laubscher, Jr.  Date  December \$ 2005  Reg. No. 28,233  CERTIFICATE OF TRANSMISSION/MAILING  I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:  Signature	Reply to Missing Parts								
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Signature Ally Mubball Page Pagember 5 2005	sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on								
Typed or printed name Shelly Hubbard Date December 5, 2005		Racell	x II	word				,	
	Typed or printed n	name Shelly Hubbard	19				Date	December 5, 2005	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PATENTS** 

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

D.C. John TA et al.

Group Art Unit 2666

Application No. 10/036,153

Examiner: Ronald B. Abelson

Filed: October 24, 2001

For: METHODS OF PERFORMANCE ESTIMATION IN PROVISIONING DELAY

INTOLERANT DATA SERVICES

### REQUEST FOR RECONSIDERATION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests reconsideration of the rejection of claims 1-27 set forth in the Office Action dated September 6, 2005.

1. Claims 1, 2, 17, and 22-24 were rejected under §103(a) as obvious over the Field US patent No. 5,428,616 in view of the Saunders patent application publication No. 2002/00974463.

Applicant courteously contends that Field represents non-analogous art. Claim 1 of the present application is directed to a switching node for evaluating packet switching performance. However, Field relates to a packet transmission system in which variable delays are measured by accumulating output buffering delays incurred by a packet as the packet is processed in each compliant node in its path. As each output queuing delay is incurred after each packet switching function completes its task, Field therefore explicitly does not teach evaluating the packet